IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 530 of 2006

Ram Kishore S/o Late Sri Lajpat Rai
R/o Village Puregirwar Singh
Post Office Bare
Police Station Kotwali Haidargarh
District Barabanki .... Applicant

Vs

State of Uttaranchal .... Respondent

Sri Lokendra Dobhal, learned counsel for the applicant/petitioner

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed for quashing the orders dated 07.11.2005 and 13.04.2006 (Annexure Nos. 6 and 8 to the petition) passed by Chief Judicial Magistrate, Dehradun and Sessions Judge, Dehradun respectively.

2. Brief facts of the case are that the petitioner filed a complaint under Section 156(3) of the Cr.P.C. for initiating the proceedings under the criminal offence against Mohan Rai, Sanjay Solanki and Smt. Sunita Solanki. The learned Magistrate directed the police concerned to investigate the matter and submit the report. After the report was submitted before the Magistrate concerned, the Magistrate rejected the application under Section 156(3) of the Cr.P.C.

3. The petitioner thereafter preferred a revision before the court of learned Sessions Judge which was also dismissed vide order dated 13.04.2006.

4. Feeling aggrieved by the aforesaid impugned orders this petition has been preferred before this Court.

5. Heard Sri Lokendra Dobhal, learned counsel for the applicant, learned A.G.A. and perused the record.

6. The learned Magistrate while dismissing the application under Section 156 (3) of the Cr.P.C. has clearly observed that the property in question is a joint property and there is a civil litigation pending between the parties with regard to the property in question. The learned Magistrate has also rightly observed that the petitioner may seek the redressal of his grievance from the civil court.

7. I do not find any abuse of process of court and also I could not lay my hand that the courts below have committed any error in adopting the legal proceedings.

8. Therefore, the petition lacks merit and is liable to be dismissed. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

13.07. 2006
ASWAL